

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

U.S.A. vs. Ennis O'Neal Mitchell

Docket No. 2:08-CR-22-1F

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ennis O'Neal Mitchell, who, upon an earlier plea of guilty to Possession of a Firearm and Ammunition by a Felon, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on June 15, 2009, to the custody of the Bureau of Prisons for a term of 30 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in such vocational training program as may be directed by the probation office.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Ennis O'Neal Mitchell was released from custody on September 3, 2010, at which time the term of supervised release commenced. On June 29, 2011, a Violation Report was filed with the court noting that the defendant tested positive for marijuana on June 8, 2011. As recommended, Mitchell obtained a substance abuse assessment, and although no additional treatment was required, subsequent drug screens have been negative.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On December 31, 2011, while in Hertford County, North Carolina, the defendant was arrested for Driving While Impaired and Failure to Stop at a Stop Sign. Mitchell submitted to a chemical analysis of his breath, which revealed a 0.09 alcohol concentration. The defendant

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subsequently contacted the probation officer to acknowledge that he had consumed some alcohol prior to operating a motor vehicle. The charges remain pending for disposition. As a sanction for this violation conduct, service of three days in jail and to complete a substance abuse assessment for his alcohol use are recommended.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 consecutive days. He shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Senior U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: January 20, 2012

ORDER OF COURT

Considered and ordered this 20th day of January, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge